



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
C-2011-2235323

April 6, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: **Pennsylvania Public Utility Commission Bureau of Investigation
and Enforcement v. Pocono Cab Company, LLC: C-2015-
2428311**

Dear Secretary Chiavetta:

Enclosed for filing is an original copy of the Reply to Preliminary Objections of the Bureau of Investigation and Enforcement in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Heidi L. Wushinske, Esq.
Prosecutor

Enclosure

cc: As per certificate of service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Public Utility Commission :
Bureau of Investigation and Enforcement :
v. : Docket No. C-2015-2428311
Pocono Cab Company, LLC :

REPLY TO THE PRELIMINARY OBJECTIONS OF
POCONO CAB COMPANY, LLC

AND NOW comes the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") and files this Reply to the Preliminary Objections of Pocono Cab Company ("Pocono Cab" or "Respondent"), pursuant to 52 Pa. Code § 5.101. In support thereof, I&E avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied. The complaint was issued after Commission Enforcement Officer Lonnie Blank conducted his own investigation into this matter. Mr. Loucks, as Mr. Blank's supervisor, was authorized to verify the information in the complaint. Furthermore, as I&E conducted its own investigation into this matter, it is the complainant, not the customer.
7. Admitted.
8. Admitted. By way of further answer, Officer Lonnie Blank investigated this matter and the conclusions of his investigation form the basis for the information set forth in paragraph 3 of the complaint.

9. Admitted.
10. Admitted.
11. Admitted in part and denied in part. It is admitted that the complaint does not set forth the name of the taxi driver involved in the incident. To the extent that Respondent is attempting to deny responsibility for the actions of its drivers, this attempt is denied. By way of further answer, Respondent Pocono Cab is charged with violating the tariff that it filed with this Commission, as opposed to an individual driver being charged with a violation.
12. Admitted.
13. Denied. It is denied that the information Respondent claims it needs to verify its logs is required to respond to the allegations in paragraph 3 of the complaint. Respondent has already provided such information to Officer Blank in the course of his investigation. Furthermore, Respondent should be able to examine its records for evidence of whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014.
14. Denied. It is denied that Respondent requires the information it claims is necessary to admit or deny the allegations in paragraph 3 of the complaint. Respondent should be able to examine its records for evidence of whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014.
15. Admitted in part and denied in part. It is admitted that without the name of the passenger, Respondent is unable to ascertain whether the passenger disputed the charge with his or her credit card company. It is denied that this information is in any way relevant to the complaint. Respondent is charged with violating its tariff. Whether or not the customer subsequently received a refund of any over charge is not relevant.
16. Denied. It is denied that without the approximate time of the transportation it is "impossible" for Respondent to verify through its logs whether the transportation even occurred. Respondent should be able to identify through its logs whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014.
17. Denied. It is denied that without the point of origin and destination listed in the Complaint that it is "impossible" for Respondent to verify through its logs whether the transportation even occurred. Respondent should be able

to identify through its logs whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014.

18. Denied. It is denied that Respondent requires the name of the driver who overcharged the passenger to admit or deny the allegations in paragraph 3 of the complaint. Respondent should be able to identify through its logs whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014.
19. Denied. It is denied that Respondent requires the cab number or TX license plate to ascertain whether the vehicle even belongs to it. Respondent should be able to identify through its logs whether a \$25.00 charge for a \$19.25 fare was levied on June 21, 2014. Furthermore, as Officer Blank will testify at any hearing in this matter, he conducted an investigation into this matter and concluded that the vehicle at issue belonged to Respondent.

WHEREFORE, the Bureau of Investigation and Enforcement respectfully requests that the Preliminary Objections of Pocono Cab Company, LLC be dismissed.

Respectfully submitted,



Heidi L. Wushinske
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission

P.O. Box 3265
Harrisburg, PA 17105-3265

Date: April 6, 2015


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Reply to Preliminary Objections, upon the parties, listed below, in accordance with the requirements of 52 Pa.Code § 1.54 (relating to service by a party).

Service by First Class Mail:

Craig A. Doll, Esq.
Attorney for Respondent
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403
CDoll76342@aol.com


Heidi L. Wushinske
Prosecutor
Attorney ID # 93792

Counsel for the Bureau of
Investigation and Enforcement of
the Pennsylvania Public Utility
Commission

P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: 717-772-8839

Dated: April 6, 2015

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